

Application No. 09/917,859
Reply dated May 19, 2004
Response to Office Action dated April 2, 2004

REMARKS/ARGUMENTS

Description of amendments

Claim 11 is now pending and under examination. Applicant has cancelled claim 10. No new matter has been added.

Claim 11 is supported by the application as originally filed (see original claims 7-9).

Rejection under 35 U.S.C. §103(a)

The rejections of claim 10 as obvious have been rendered moot by its cancellation.

Newly added claim 11 is directed to the subject matter of cancelled claims 7-9, and claims a method of assembling a wheel drive unit. Claims 7-9 have been examined and rejected (see the Office Action of March 12, 2003). However, Applicants did not respond to the rejection in the reply to the Office Action of March 12, 2003 because claims 7-10 were cancelled.

Claim 11 includes several steps for assembling a wheel drive unit. In rejecting claims 7-9, the Examiner did not contend that these steps were taught or suggested by the cited art (see the Office Action of March 12, 2003). Instead, the Examiner merely stated that “the use of robot arms to [assemble] parts for machines such as automobiles is well known and it is therefore obvious to one of ordinary skill in the art to use a robot arm to assemble the drive unit.”

Applicants respectfully submit that this is an insufficient ground for rejecting claim 11. The fact that the use of a robot to assemble a machine is well known does not mean that all methods that involve the use of a robot arm to assemble a drive unit are unpatentable regardless what steps are included in the methods. If the Examiner disagrees, he is respectfully requested to provide legal authority to support his position.

The MPEP requires that, in order to establish a prima facie case of obviousness, the prior art must teach or suggest all the claim limitations (MPEP §2143). Claim 11 is not simply a method for using a robot arm to assemble a drive unit; it recites specific steps for assembling a wheel drive unit. In order to establish that claim 11 is unpatentable, the

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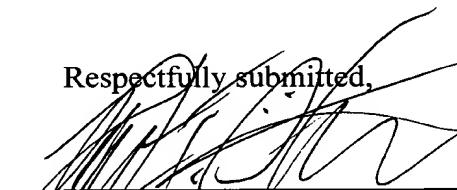
Examiner must show that all limitations (or steps) of claim 11 are taught or suggested by the prior art. The art cited by the Examiner so far cannot render claim 11 unpatentable.

The method of claim 11 has several advantages over the prior art. For example, during the assembly of a wheel drive unit, it is desirable to use a robot arm to pull or push the drive shaft member (28) in the removal direction to determine whether the retaining ring (15b) is properly assembled. If the drive shaft member (28) moves in the removal direction, it is an indication that the retaining ring (15b) is not properly assembled. This, however, can only be done with a clearance fit. If an interference fit is used, the drive shaft member (28) may not move in the removal direction even when the retaining ring (15b) is not properly assembled, because the interference fit prevents the drive shaft member (28) from moving.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #038920.50252US).

Respectfully submitted,



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